DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed 02/15/2008 have been fully considered but they are not persuasive.

2.   In re pages 8-10, applicant argues that Sasaki et al. discloses a shuffling table memory in which shuffling tables are stored for performing shuffling in accordance with different formats. Sasaki et al. also disclose shuffling which involves rearranging data in an order different from the original order.   Sasaki et al. fails to disclose the data recorded on the tape comply with the MPEG-2 system standard and decodable by the MPEG-2 system standard as recited in claims 1, 10, 13-14.

In response, the examiner respectfully disagrees. Sasaki et al. discloses from paragraph 0038 that "...digital VCR...allows video signals having a plurality of formats different from each other to be recorded and reproduced....scanning based on the NTSC system....scanning based on the PAL system can be recorded and reproduced with hardware almost not changed......", paragraph 0049 that "...a recording area for recording data of one frame is set to a predetermined recording area...encoding is used in MPEG-2....to make recording....one slice is formed of one macroblock and one macroblock is placed in a fixed frame having a predetermined length in the present invention", paragraph 0053 that "...shuffling section ... a macroblock into a fixed frame....Shuffling is also performed in which macroblocks generated in the order of scanning in one frame are rearranged and the recording positions of the macroblocks

on the tape are dispersed....", paragraph 0066 that "....the reproduced signal is converted to an elementary stream conforming to MPEG2". Sasaki et al. discloses a compressing section for generating encoded data, complying with MPEG-2 system standard, packing and shuffling section receives encoded data (complying with MPEG2 system standard) for generating a macroblock into a fixed frame and also rearranging the order of scanning in one frame. During reproduction, the reproduction signal is converted to an elementary stream conforming to MPEG2. Therefore, Sasaki meets the limitation of recording and reproducing of data, complying with the MPEG2 system standard.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3.   Claims 10 is rejected under 35 U.S.C 101 because the claimed invention is directed to non-statutory subject matter as follows. Claim 10 recites a **stream data** which does not impart functionality to a computer or computing device, and is thus considered nonfunctional descriptive material. Such non functional descriptive material, in the absence of the functional interrelationship with a computer, does not constitute a statutory process, machine, manufacture or composition of matter and is thus non-statutory per se.

4.   Claim 11 is rejected under 35 U.S.C 101 because the computer readable medium storing only non-functional descriptive material.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.   Claims 1-7, 10-17 are rejected under 35 U.S.C. 102(e) as being anticipated by

US 2003/0070040 by Sasaki et al.

6.   Regarding **claim 1**, a data processor comprising:

- a receiving section for receiving video data and audio data (fig. 1,

    paragraph 0050, 0056);

- a compressing section for generating encoded data, complying with

    the MPEG-2 system standard, by encoding the video data and the

    audio data received (fig. 1, paragraph 0050, 0056);

- an auxiliary information generating section for generating auxiliary

    information, which includes reference information to make reference to

    the encoded data and attribute information that uses a video object unit

    (VOBU) of the encoded data as a sample unit and that describes an

    attribute of the sample unit (fig. 1, 6, paragraph 0058, 0084-0085);

- a writing section for writing the encoded data and the auxiliary information on a storage medium as a data file and an auxiliary information file, respectively, wherein the encoded data is decodable by either the auxiliary information file or the MPEG-2 system standard (fig. 1, 6, paragraph 0050, 0056, 0058, 0084-0085).

7.   Regarding **claim 2**, the data processor wherein the reference information represents the file name and storage location of the data file stored on the storage medium (fig. 6, paragraph 0084-0085).

8.   Regarding **claim 3**, the data processor wherein the compressing section generates the encoded data as a plurality of sets, and wherein the auxiliary information generating section generates the reference information that makes reference to each set of encoded data(fig. 6, paragraph 0050, 0056, 0084-0085).

9.   Regarding **claim 4**, the data processor wherein the compressing section generates the encoded data as a plurality of sets (fig. 1, paragraph 0010, 0013, 0040, 0043, 0046), and wherein the auxiliary information generating section generates stream data as a single stream by arranging the plurality of sets of encoded data as a series (paragraph 0051, 0058, 0084-0085, 0113), and also generates auxiliary information that further describes location information specifying the storage location of the encoded

data if the data size of the encoded data is not constant every time the data is read (fig. 1, 6, paragraph 0013, 0045, 0084-0085, 0111-0112).

10.   Regarding **claim 5**, the data processor wherein the compressing section generates the encoded data as either an MPEG-2 program stream or an MPEG-2 transport stream (fig. 1, paragraph 0039, 0052).

11.   Regarding **claim 6**, the data processor wherein the auxiliary information generating section describes an audio frame of encoded audio data, representing the audio data of the encoded data, as another sample unit in the attribute information (fig. 1, 0056-0058, 0068).

12.   Regarding **claim 7**, the data processor wherein the compressing section generates first, second and third data files, the second data file including frame data that is needed to decode the encoded data of the first and third data files continuously with no time gap left (fig. 3-5, 10).

13.   **Claims 10-11** are rejected for the same reason as discussed in the corresponding claim 1 above.

14.   Regarding **claim 12**, a data processor comprising:

- a reading section for reading the auxiliary information file from the stream data and also reading the data file in response to a control signal (fig. 2, paragraph 0060-0061, 0070);

- a reading control section for generating, as the control signal, a signal instructing that the data file be read in accordance with the reference information defined by the auxiliary information of the auxiliary information file (fig. 2, paragraph 0060-0072);

- a decoding section, which receives the encoded data from the data file read and the auxiliary information and which decodes the encoded data into the video data and the audio data in accordance with the attribute information included in the auxiliary information (fig. 2, paragraph 0060-0072);

- an output section for outputting the video and audio data decoded (fig. 2, paragraph 0060-0072).

15.   **Claims 13-14** are rejected for the same reason as discussed in the corresponding claim 1 above

16.   **Claims 15-16** are rejected for the same reason as discussed in the corresponding claim 12 above

17.   **Claim 17** is rejected for the same reason as discussed in the corresponding claim 1 above

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

18.   Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over US

2003/0070040 by Sasaki et al.

19.   Regarding **claim 8**, Sasaki discloses the data processor wherein the auxiliary

information generating section generates an auxiliary information file but fails to disclose

auxiliary information that is described in the MP4 format.

It is noted that the use of MP4 is old and well-known in the recording art.

Therefore, official notice is taken. Moreover, it would have been obvious to one having

ordinary skill in the art at the time the invention was made to have a well-known MP4 to

compress the video and audio data for having more space in the storage medium

20.   Regarding **claim 9**, Sasaki discloses the data processor wherein the auxiliary

information generating section generates an auxiliary information file but fails to disclose

auxiliary information file that is described in the QuickTime format.

It is noted that the use of QuickTime format is old and well-known in the

recording art. Therefore, official notice is taken. Moreover, it would have been obvious

to one having ordinary skill in the art at the time the invention was made to have a well-known QuickTime format which maintain tracks in a hierarchal data structure consisting of objects called atoms. An atom can be a parent to other atoms or it can contain media or edit data, but it cannot do both. QuickTime format is particularly suited for editing, as it is capable of importing and editing in place (without data copying)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NIGAR CHOWDHURY whose telephone number is (571)272-8890. The examiner can normally be reached on 9 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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NC
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